

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

NOVEMBER 17, 2003

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:00 a.m. on Monday, November 17, 2003, in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Kathryn Murphy, Chair
Darrell Hanson, Vice Chair
Terrance Townsend
Jerry Peckumn
Heidi Vittetoe
Donna Buell

MEMBERS ABSENT

Lisa Davis Cook, Secretary
Lori Glanzman
Francis Thicke

ADOPTION OF AGENDA

Motion was made by Jerry Peckumn to approve the agenda as presented. Seconded by Heidi Vittetoe. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Terry Townsend to approve the minutes as presented from the October 20th EPC meeting. Seconded by Heidi Vittetoe. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Jeff Vonk discussed the following upcoming items to the legislature:

- 1) Proposing a bill to amend the Iowa Code to eliminate the \$350,000 cap on fees that are assessed to public water systems allowing us to fully fund the public water supply program.
- 2) The second bill regards the Onsite Wastewater treatment disposal system management bill. This would require the developers to have them properly plant the wastewater systems. This would also lay out a program for ongoing maintenance.

3) CAFO regulations – In April the Federal EPA approved new rules regarding CAFOs and the NPDES program. We have been given a year to revise the Iowa programs that become consistent with the new EPA rules.

INFORMATIONAL ONLY

CONTRACT – KEEP IOWA BEAUTIFUL - ILLEGAL DUMPING PREVENTION PILOT PROGRAM

Mel Pins, of the Energy and Waste Management Bureau presented the following item.

The Department is requesting approval to enter into a contract with Keep Iowa Beautiful (KIB) for the objective of developing and implementing an illegal dumping pilot program in three “communities” across the state. Selected communities may be a single municipality or a county and the municipalities therein. Also an objective of this pilot program is the development and tracking of measures for evaluating the effectiveness of public awareness and impacts on illegal dumping activities. Once the pilot project is complete, a toolbox of public awareness/education materials, enforcement options, local program measures, etc. will be promoted and available to each municipality and county in Iowa for their use and a statewide Illegal Dumping Prevention Campaign will be launched.

Keep Iowa Beautiful (KIB) is the Iowa Chapter of the national Keep America Beautiful dedicated to empowering individuals to take greater responsibility for enhancing their community environment. KIB was selected to partner with the Department for this illegal dumping project as a continuation of a litter survey and anti-litter program conducted in 2002 in which the Department provided funding assistance.

Illegal dumping is a continual challenge for Iowa. Across the state, numerous communities and rural areas have chronic illegal dumping sites, where everything from refrigerators to tires are discarded. The Department investigates hundreds of illegal dumping complaints each year and provides assistance and enforcement when possible. However, due to the scope and range of the problem, investigating, enforcing, and ultimate reduction of illegal dumping rests at the local level costing taxpayers several thousands of dollars annually.

In 2002 the Department conducted a survey of city and county officials. Survey results include:

- 66% of city and county officials believe illegal dumping to be “somewhat” to a “very big” problem;
- most common materials being dumped are tires, residential waste, white goods, yard waste, and construction and demolition materials; and
- the three most common illegal dumping sites are roadsides, ditches/fields, and wooded areas.

Illegal dumping poses a threat to both the environment and to public health. Hazardous waste illegally dumped pollutes the ground and enters our waterways. Dumping sites can become

breeding grounds for rodents, mosquitoes, and other insects. Dumping sites also diminish the beauty and quality of life in our state.

With Department and marketing consultant input, Keep Iowa Beautiful will:

- establish a program coordinating council to provide input
- establish a local task force in each participating community
- provide an inventory of marketing strategies
- recommended measures used to track program effectiveness
- develop public relations initiatives to publicize and promote citizen illegal dumping reporting mechanisms and enforcement
- conduct a targeted marketing/education program in each selected
- develop marketing/education materials for piloting location that is of a common theme and transferable across the state
- promote enforcement of illegal dumping
- track pilot project results from the education/public awareness component to citizen reporting and enforcement
- tool kit production
- summary report leading to a statewide illegal dumping prevention campaign

Early in 2003, this illegal dumping prevention pilot program was discussed and recommended by an advisory committee of solid waste stakeholders established to provide feedback and project ideas regarding the Solid Waste Alternatives Program (SWAP).

The contract will not exceed \$249,500 pending successful contract negotiations.

At this time, the Commission is requested to approve the Department entering into a contract with Keep Iowa Beautiful to plan, develop and implement an illegal dumping public prevention program in three (3) Iowa “communities”.

The monies for this contract will come from the Solid Waste Fund.

Motion was made by Terry Townsend to approve the contract with Keep Iowa Beautiful as presented. Seconded by Heidi Vittetoe. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – BURNS AND McDONNELL ENGINEERING CO., INC - COMBINED HEAT AND POWER IN BROWNFIELDS REDEVELOPMENT

Angela Chen, Environmental Program Supervisor in the Energy and Waste Management Bureau presented the following item.

The Commission is requested to approve the contract for services between the Department and Burns and McDonnell Engineering Co., Inc. (Contractor) to develop engineering studies that demonstrate the viability of combined heat and power (CHP) systems in brownfields

redevelopment. This project is part of the Department's U.S. Department of Energy-funded program to promote the implementation of CHP technologies in Iowa. Project work will be directed toward the Des Moines Agrimergent Technology Park (Park), an 1,100-acre, \$420 million EPA-designated brownfields redevelopment site. The studies will also include the identification of types and quantities of renewable fuel resources, including those available from the waste streams of Park tenants and neighboring facilities, to determine if sufficient quantities are available to fuel, at least in part, a CHP application.

The contract amount is not to exceed \$62,000 for the period November 24, 2003 to April 9, 2004. This expenditure will result in the development of an energy master plan that, when implemented, will provide efficient, sustainable, high quality, and reliable power for the Park's current tenants, prospective tenants, and neighboring facilities.

Project work is to be addressed in three phases, and a sample list of work items the Contractor is to perform includes, but is not limited to:

Phase 1: Power profile documents that define the energy needs of the Park's current anchor tenants and neighboring facilities and establish CHP feasibility criteria for those tenants/facilities that are to include:

- Recommended conceptual design;
- Bid specifications for the proposed design;
- Environmental impact analyses;
- Analysis of financing opportunities for the installation of the system; and
- Cost/benefit analysis, comparing grid power to on-site CHP/premium power.

Phase 2: Guide documents that define CHP feasibility criteria by facility type and energy demand for the Park's prospective tenants. These documents will serve as templates to guide future implementation of CHP at the Park, identifying:

- Viable facility types;
- Facilities whose load requirements are complementary, i.e., facilities that can offset and balance each others' energy needs through the use of CHP technologies; and
- Effective equipment configurations, heat recovery options, and fuel sources.

Phase 3: Project final report.

Background

Redevelopment plans for the Park focus on technology-based manufacturing and services, and the Park design will accommodate numerous functions, including research, prototype development, full-scale production, commercial services areas, and sites for physical fitness and recreational opportunities. Many of the Park's projected operations will require high quality, uninterruptible power service or "premium power." Premium power can be produced and delivered effectively and efficiently by means of on-site, CHP technologies.

CHP systems generate and distribute electrical/mechanical and thermal energy simultaneously, recovering much of the energy normally lost in separate generation. This recovered energy can be used for heating or cooling purposes, which increases the efficiency of the system significantly. This efficiency translates not only into economic benefits but environmental benefits as well, as CHP systems emit less carbon dioxide (CO₂) to the atmosphere.

Contractor Selection

The Bureau mailed copies of the RFP to consultants on our mailing list, made the RFP available on the Targeted Small Business web site, on our web site, and advertised the RFP in the Des Moines Register for two days. Eleven proposals were received. A review team consisting of two Bureau staff, two City of Des Moines staff, and one staff member from the Northeast-Midwest Institute reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, and budget.

After reviewing the proposals, the review committee unanimously selected Burns and McDonnell as the most qualified firm to serve as Energy Consultant for the development of a three-phased evaluation of combined heat and power technologies implementation at the Des Moines Agrimergent Technology Park. Burns & McDonnell's proposal demonstrated a firm understanding of the project concept and defined a creative and insightful project approach. Working as a DOE-selected contractor, Burns & McDonnell has evaluated several sites with criteria similar to the Park project and has developed a CHP screening and economic modeling tool to reduce the time necessary to effectively complete the study.

No general fund monies will be used to meet these obligations.

At this time, the Department requests the Commission's approval to enter into a contract with Burns and McDonnell Engineering Co., Inc. to facilitate the development of an energy master plan to provide environmentally-friendly, premium power to the Des Moines Agrimergent Technology Park.

Motion was made by Donna Buell to approve the contract with Burns and McDonnell Engineering as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

SCOTT SMITH, of Boone stated his appreciation for the support in the Keep Iowa Beautiful program.

ROSIE PARTRIDGE, from Wall Lake stated a few points that ICCI supports: 1) The DNR's proposal to establish a hydrogen sulfide health effects value of 15 ppb at a separated location. However, the Department is not proposing to move forward with an ammonia or odor standard which was apart of the joint recommendations from the university study. Ammonia has been scientifically proven to cause material and verifiable adverse health effects. We must move

forward with implementing an ammonia standard instead of backing down. The joint university study recommends an ammonia standard of 150 ppbs at a separated location. Iowa also needs an odor study now. Portable monitoring devices to test the emissions are needed to accurately determine where the emissions are coming from.

ICCI is concerned with the makeup of the technical advisory groups. They must be well diversified.

We strongly urge the DNR and the Commission to deny Agribusinesses petition and to move forward with clean air rules based on the recommendations from the joint university study.

HEATHER HAMILTON, US Environmental Protection Agency Region VII in Kansas City. On behalf of the EPA, we would like to address the revisions to Item 14 - Chapter 23, Emission Standards for Contaminants (Open burning rule revisions including controlled burning of a demolished building.)

The Department is to be commended for actively managing the human health and environmental impacts related to Particulate Matter and Carbon Monoxide (CO) emissions from the burning of demolished buildings. However, as it is currently written, this rule revision could allow a violation of the CO standard if more than one burn is executed within close proximity in the same year. EPA cannot approve a rule into the Iowa State Implementation Plan that will violate the National Ambient Air Quality Standards.

EPA welcomes the opportunity to work with IDNR to attempt to address this issue.

ROGER ZYLSTRA, farmer from Jasper County stated that he is not opposed to air standards, we just ask that they are reasonable. We are concerned when we see a standard of 15 ppb.

DOUG GRONAU, farmer from Vail is concerned about the standards as expressed by Roger Zylstra. If a standard is put in place, hog industries should not be the only ones targeted. If the health effects are the concern, industries should also be regulated.

HUBERT HAGEMANN, Carroll, Iowa stated that he is not opposed to establishing air quality standards rule. I think it would be only prudent to base this on the most recent research and credible findings from other health agencies. Using a two year old "peer review" of even older research after all the newest technology has been developed seems to flaunt even the idea of progress.

The proposed rules are more stringent and not based on Iowa's statutory standards, they are not in accordance with legislative directive, nor are they at levels established by other health agencies and the World Health Organization. It appears this whole exercise is to shut down and eliminate a viable industry in the State. Likewise these rules don't seem to treat people the same. Separation distances are required by some producers but not others and the want-to-be-farmer residents. As a long time farmer and livestock producer, I have the feeling that people with their own agendas are out to move the whole industry out of the State. We get no recognition for the progress we have made in adapting new technologies to solve any problems.

The Governor has made several trips around the state to “talk to our young people about staying in Iowa” and several trips to other parts of the US to “entice former Iowans to return”. He has promoted the funding and development of the latest technology. Just recently he announced how state government has become “business friendly in the permit process”. Somewhere, it has been forgotten that agriculture and livestock production is a very large industry in this state and deserves the same consideration. With constant rules, limits and standard changes and in some cases down right terrorist and vandalism tactics in the industry, its jobs and financial aspects can not continue to survive. Remember that ethanol is an emerging industry and its success depends a great deal on the use of the co-products by livestock. Iowa is indeed the center of the food basket of the world. Let’s not put “mud on our face” with hasty and unproven burdensome decisions.

DOROTHY FRANEK, Red Oak read an article from the November 19th issue of the Omaha Herald regarding odor standards. She encouraged the Commission to read Chapter 9 of the University study.

SUSAN HEATHCOTE, Iowa Environmental Council commented on Item 7 – Renewal of General Permit 4 for Onsite Waste water disposal. One of the concerns from last month’s meeting was the protection within those regulations for losing streams segments which were not specially requiring the bacteria testing for losing streams sections or prohibiting new discharges to losing streams segments. The definition of a losing stream needs to be worked on.

There is also an important gap in our water quality standards regarding class C protections. This protection would be for water supplies that are used as a source of drinking water. There needs to be class C protections for losing streams especially where we can show that there is a connection to the groundwater that is being used by a private source for well water.

Susan also thanked the Commission for following through on the hydrogen sulfide standards, but I do think we need to keep pursuing an ammonia and odor standards.

DICK GALLIGHER, farmer from Washington County stated that before standards are set I would encourage you to look at a couple of things:

- 1) I urge you to have an independent advisory committee look at the results this study comes up with.
- 2) I would also like you to compare what this study says along with what world health organizations and other states are saying to come up with a standard that does not affect one state different than the other.

RICHARD MERRILL, farmer from Fort Dodge said that he would hate to see standards set that would force out hog producers in this state. We would recommend that a technical advisory group be established to evaluate a health level. The group needs to be fair to everyone.

GARY LARSEN, ICCI in Audubon County raised the environmental concerns regarding Audubon County factory farm owner Lawrence Handlos.

- 1) **Allowing Lawrence Handlos to begin construction by overlooking several deficiencies in his manure management plans at his Anderson and Zaiger Southwest sites.** These MMPs are both for facilities that have 2,400 head of hogs. Originally, the DNR stated that they were not considering these two MMPs filed because of “several deficiencies in the plans” including problems with the projected amount of manure. According to the DNR field office #4, Handlos is using the wrong manure production numbers. According to Field Inspector Alison Manz, “It’s about 200,000 gallons a year less than our table value for each site.” It is our understanding that these deficiencies have not been corrected, the DNR is now merely overlooking them and considering them “filed”.

In a phone conversation with Gene Tinker from the DNR, dated October 28, 2003. Mr. Tinker informed Iowa CCI that Field Office #4 has been “too thorough” in reviewing manure management plans and is being inconsistent with other DNR field offices that do a less thorough job. Instead of requiring all DNR Field Offices to thoroughly review MMPs, it appears the DNR is telling Field Office #4 to quit doing their job so thoroughly. In light of Lawrence Handlos’ numerous environmental violations and issues that have been raised by this department, we are concerned with any new manure management plans that Handlos would submit that would have more deficiencies in it.

We are confused as to why the DNR is not concerned about this as well. In addition, we are unclear as to why the DNR would tell one of their field offices to do less complete work instead of being concerned that the other field offices are performing incomplete reviews.

- 2) **Failing to enforce Subrule 567 IAC 65.15 (14) and require Lawrence Handlos to meet minimum concrete standards.** On July 31st of this year, The DNR issued Handlos a notice of violation for failing to meet minimum concrete standards at the second building of his Home Place West site in Section 24 of Douglas Township. Licensed engineer Dwaine Bundy verified in his report dated September 9, 2003 that there are indeed portions of the floor that fail to meet the minimum concrete standards of 5 inches thick.

Subrule 567 IAC 65.15 (14) states that minimum concrete design standards must be met. However, the DNR is not requiring Handlos to meet this section of the law. We feel this is unacceptable.

Recap and Conclusion

Iowa CCI members are asking the DNR to enforce Iowa Administrative Code and require Handlos to meet minimum concrete standards of 5 inches thick. We are also asking the DNR to require that Handlos immediately halt construction on the second buildings at his Anderson and Zaiger Southwest sites until the deficiencies in his MMPs have been corrected.

Audubon County CCI members are here today to ask the EPC for their help in this matter. As the DNR's oversight board, we are urging you to require the DNR to enforce Iowa Code in these matters and help us protect the environment in Audubon County.

CHRIS GRUENHAGEN, Iowa Farm Bureau Federation shared the following information:

Iowa Air Quality Coalition Petition for Rulemaking

DNR Staff Concerns with Previous Iowa Air Quality Coalition Petition	Iowa Air Quality Coalition Changes Made to Address their concerns
Measurement of additional meteorological parameters because only conducting field study to determine statutory trigger	While the coalition felt the additional information is necessary to determine what is happening at the monitoring site, we accepted the premise of the study that is only be used to determine the statutory trigger and agreed to delete the additional parameters from the proposed rule.
Requirement that the field study be conducted for 3 years from the date of enactment of the rule.	Modified the language to require field study data be collected for 3 years for each pollutant regardless of when the rule is adopted.
Collection of background levels	Deleted collection of background levels
Iowa health experts are the most qualified and capable to set ambient air standards in Iowa.	The basic assumptions used in establishing the recommendation by local expertise have been shown to be inaccurate. However, it is valuable to include Iowa expertise in establishing the standard. The Coalition amended the petition to specifically include Iowa expertise in the health effects panel.
Cost of establishing the health effects panel.	The Coalition agrees to work with the department to obtain state or federal funding for the panel.
Use of quality assurance project plans and standard operating procedures negates the need for a sampling manual.	The QAPPs and SOPs include interpretations of Iowa law, standards to be used by the department and sets procedures for implementing Iowa law and regulations. Therefore, it is appropriate for them to go through the rulemaking process. DNR staff is recommending that a sampling manual be adopted as part of its new proposed health effects value.
Placing restrictions on field study monitors is unnecessary.	Because the purpose of the field study is to determine whether the statutory trigger is met and not to gather additional information, the Coalition continues to feel strongly that a better use of state taxpayer resources is to place monitors in locations to determine if the statutory trigger is met – at separated locations.

	The Coalition amended its petition modify the placement of these monitors to address DNR staff concerns.
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The University report took the intermediate level of exposure of 15 – 354 days for hydrogen sulfide of 30 ppb, and they halved the number in the University report. We are not seeing those kinds of exposures either.

The high exposures to the emissions are not 24 hours a day, seven day a week. It is not a chronic exposure. In order to use the 30 ppb number there will need to be 15 days of continuous exposure to justify the use of that number.

Because of these two issues we are asking that the University Report not be followed.

(A handout was given to the Commissioners. A copy can be found in the Department's Record Center.)

2004 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA – WATER AND LAND QUALITY

Chuck Corell, Acting Bureau Chief of the Water Quality Bureau presented the following item.

Commission approval is requested for the FFY 2004 agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services for the Department's water and land quality programs. Air quality and ambient water quality monitoring, analytical services, and reporting are covered by separate agreements. This agreement includes compliance sampling of waste water treatment plants, analyses of field samples, water supply monitoring and reporting, analytical work related to the underground storage tank and uncontrolled sites programs, programming services for the waste management division, and contract employee expenses.

Changes to the agreement for FFY 2004 include the addition of one information specialist position in the Communications Bureau. This position will be funded with a federal grant. A special study to determine proper effluent sampling techniques, sampling frequencies, and parameter testing for surface-discharging onsite wastewater treatment systems is also included in the agreement. Two items for electronic reporting of analytical data to the Water Supply Section have been eliminated, resulting in savings of \$78,505. Other than these changes, no major tasks or items were added or eliminated in the FFY 2004 agreement.

The amount of the agreement is estimated at \$815,136. Attached is a summary of the projected costs broken down by program areas. In general, the UHL monitoring/analysis costs have not been increased over 2003 levels. The funds for the agreement will come from various EPA grants and fees paid to the Department.

Iowa Code §455B.103 requires the Department to contract with state public agencies for these services unless the required services cannot be provided by such agencies.

Chuck Corell said that there is de-appropriation language in the contract, as with all other contracts from our Department.

Heidi Vittetoe asked if the Commissioners could be informed about the services and contracts with the University of Iowa's Hygienic Lab and their relations with the Department.

Motion was made by Terry Townsend to approve the agreement with the University of Iowa as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE—CHAPTERS 64 AND 69, RENEWAL OF GENERAL PERMIT NO. 4

Chuck C. Corell, Acting Chief of the Water Quality Bureau presented the following item.

This item is being repropose at the direction of the Environmental Protection Commission, during its October 19, 2003 meeting, to include in Chapter 69 the delayed starting date for the qualified sampler requirement, to begin January 1, 2005. These changes have been made and are found in Items 4, 5, and 6 of the Notice of Adoption.

Commission approval is requested to amend and renew the NPDES General Permit No. 4 that authorizes wastewater discharges from private, onsite wastewater treatment systems and to amend IAC 567--Chapter 69 -- On-Site Wastewater Treatment and Disposal Systems and IAC 567--Chapter 64 -- Wastewater Construction and Operation Permits. The proposed amendments were listed as a notice of intended action in the Iowa Administrative Bulletin Volume XXV Number 25 on June 11, 2003.

The proposed amendments would:

- Renew the NPDES General Permit No. 4 for the period January 1, 2004-December 31, 2008
- Require that effluent sampling for compliance monitoring be conducted by a "qualified sampler", effective January 1, 2005
- Change the bacterial effluent compliance testing from fecal coliform to *E. coli* and to establish a limit of 235 CFU/100 mL for systems that discharge to or within one mile up gradient of a Class A1, Class A2, Class A3, or a Class C water
- Increase the effluent sampling frequency for free access sand filters from once a year to twice a year
- Allow for coverage under this permit for systems installed prior to 1998, when the General Permit No. 4 was established

Six public hearings were held in July to receive public input, one in each of the following communities: Atlantic, Des Moines, Manchester, Mason City, Storm Lake, and Washington. The public comment period was from June 11 through July 11, 2003. The public comments are detailed in the attached Responsiveness Summary.

The primary change from the notice is that the final rule will allow homeowners and maintenance contractors to be "qualified samplers" to conduct effluent sampling for compliance

monitoring of the systems they maintain. This item was originally presented to the Commission in the notice with the recommendation that homeowners and maintenance contractors not be allowed to conduct effluent sampling for compliance monitoring, to eliminate a potential conflict of interest. There was strong opposition to this restriction at the public hearings. Therefore, the restriction was eliminated for homeowners and maintenance contractors who complete DNR-approved training to become "qualified samplers". Implementation of the "qualified sampler" requirement will also be delayed until January 1, 2005 to allow time for the Department to develop and implement a training program for qualified samplers.

Comments were requested in the public hearings regarding the need for effluent sampling for TSS (total suspended solids). Comments were received in support of and in opposition to retaining TSS sampling. The Department believes the benefits of the TSS testing outweigh the costs and therefore recommends retaining the TSS sampling requirement in the renewed permit.

DNR staff have made additional wording changes to General Permit No. 4 since the public hearings, for clarity and consistency.

Donna Buell asked if there would be an opportunity for us to look at the definition of a losing stream.

Chuck Corell said that there is a definition in Chapter 60 right now. In future rulemaking we will be looking at amending the definition of Chapter 60.

Motion was made by Darrell Hanson to approve the Final Rule of Chapters 64 & 69 as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

CLEAN WATER STATE REVOLVING LOAN FUND – 2004 INTENDED USE PLAN

Chuck Corell, Acting Chief of the Water Quality Bureau presented the following item.

Commission approval of the Clean Water State Revolving Fund Intended Use Plan (IUP) for 2004 is requested. An IUP must be prepared and submitted to the EPA annually and prior to receiving a capitalization grant.

The FY 2004 Intended Use Plan (IUP) includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for 2004 as well as uncommitted previous years' funds. Approximately \$28.6M will be provided to 24 communities for wastewater improvements. All applicants for loan funds on the fundable list will receive the requested amounts. Two additional applications are placed on the contingency list and are currently under review for eligibility for loans. These applications will be considered fundable when determined to be eligible.

The FY 2004 IUP includes four non-point set-asides. In 2002, Governor Vilsack signed into law SF 2145 which expanded the uses for the CWSRF loan program to include non-point source pollution prevention and abatement projects. The IUP includes three additional set-asides to

meet the goals of SF 2145. These set-asides will fund livestock pollution prevention and conservation projects. A third general category is included in the IUP but has no designated amount for FY 2004. Projects for this category are required to be evaluated prior to the preparation of the IUP. There were no applications for this category for this fiscal year. The existing on-site wastewater treatment facility set-aside is also included in this IUP.

A public meeting was held on October 16, 2003 to allow opportunity for input on the proposed IUP. Comments are summarized in Section IX. Additional loan applications received during the comment period have been added to the IUP.

Chuck Corell explained the funding process. Available loan money is made known by the lending institutions.

Motion was made by Darrell Hanson to approve the State Revolving Loan fund – Intended Use plan as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTERS 20, AND 22, CONTROLLING POLLUTION (DEFINITIONS)

Dave Phelps, Supervisor of the Construction Permit Section of the Air Quality Bureau presented the following item.

The Environmental Protection Commission is asked to grant permission to proceed with the rulemaking process by approving the attached Notice of Intended Action to amend Chapters 20 “Scope of Title, Definitions, Forms, Rules of Practice” and Chapter 22 “Controlling Pollution” 567 Iowa Administrative Code.

An informational meeting will be held at the Air Quality Bureau offices on November 13, 2003, from 10 am to Noon. If the Environmental Protection Commission approves this Notice of Intended Action, a public hearing will be held on January 8, 2004 in Urbandale and a second public hearing will be held on January 9, 2004 in Davenport. The public comment period on the proposed rules will close on January 16, 2004. Depending on the comments received, we hope to bring a report back to you in February or March, 2004.

These are the same rules as presented to the Commission last month with the exception of three formatting mistakes that were discovered after last month’s Commission meeting.

This rulemaking would establish, consolidate and modify several definitions used in the air program. The primary impact would be to the Prevention of Significant Deterioration (PSD) program. The focus of the PSD program is on the largest and fastest growing industries. It is also the most complex, time consuming and resource intensive environmental permitting program that these industries face.

This proposed rule addresses the determination of which activities and emission units make up a single stationary source. This proposal establishes specific definitions that establish specific criteria for making that determination.

Current definitions do not include several terms that are particularly important in making stationary source determinations. This results in informal and changing usage of the terms based individual review of thirty years of U.S. EPA correspondence about previous decisions. This correspondence seldom establishes any clear criteria as the basis of the decision, often appears to change whatever criteria did exist, and, all too often, reaches conflicting conclusions. This results in a very imprecise definition that varies from permit action to permit action depending on what U.S. EPA correspondence appears relevant. It also slows the review process since it requires a fresh review of U.S. EPA correspondence each time the issue arises. This proposal establishes a single specific set of criteria for making these decisions. Where possible this proposal uses the impact on the environment as the criteria for making the decision instead of institutional factors that appear to dominate U.S. EPA correspondence.

This proposed rule would also establish a single set of definitions for all air program activities. Currently each permit program has its own set of definitions. These definitions vary slightly from permit program to permit program. These variations frequently arise in U.S. EPA decisions with some correspondence reducing the distinctions and some accentuating those differences.

This rulemaking is the result of extensive discussions with various stakeholders that started in 1999 with a PSD Taskforce followed by a PSD Advisory Group in 2002-3. This PSD Advisory Group was made up of representatives of a variety of companies with specific interest or involvement in PSD as well as representatives of the Iowa Association of Business and Industry (ABI), Iowa public interest groups, the Polk and Linn County local air programs, and the U.S. EPA.

Specific definitions were discussed in the January, 2003 PSD Advisory Group meeting. Following that discussion revised definitions were discussed in the March, 2003 PSD Advisory Group meeting. Comments made at that time were incorporated into the definitions. Following the conclusion of scheduled PSD Advisory Committee meeting, department staff review resulted in a number of additional changes. Final comments were solicited from the members of the PSD Advisory Group in September 2003. No comments were received dealing with any of the details contained in this proposal. This was taken to the October 16th Client Contact Meeting and will be brought before the November 13th Client Contact Meeting, as well as being the subject of an information meeting the morning of November 13th.

An Administrative Rule Fiscal Impact Statement is attached. There will be net positive fiscal impact from this rulemaking.

Heidi Vittetoe asked about the participants of those on the Technical Advisory groups.

Wayne Gieselman said that the Department has stakeholders groups for every rulemaking we do. The ultimate responsibility of the group is to propose rules to the Commission. We do try to have representation from all sides of the perspective. I do think it's important that we have

industry groups involved with this, because they need to understand the rules and how they are implemented.

Motion was made by Terry Townsend to approve the NOIA on Chapters 20 & 22 as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

PETITION FOR RULE MAKING BY AGRIBUSINESS ASSOCIATION OF IOWA, ET. AL.

Jim McGraw, Environmental Program Supervisor presented the following item.

On Monday, November 3, 2003, the Department of Natural Resources Compliance and Enforcement Bureau received a petition for rule making from the Agribusiness Association of Iowa, Iowa Association of Business and Industry, Iowa Cattleman's Association, Iowa Corn Grower's Association, Iowa Farm Bureau Federation, Iowa Institute for Cooperatives, Iowa League of Cities, Iowa Pork Producers Association, Iowa Poultry Association, Iowa Soybean Association, Iowa State Dairy Association, and the Iowa Turkey Federation. The petition is requesting that the Environmental Protection Commission adopt rules relating to a field study on hydrogen sulfide, ammonia, and odor concentrations.

The petitioners request that the Commission adopt rules related to: (1) conducting a field study of ambient air concentrations of hydrogen sulfide and ammonia, and to determine the presence and intensity of odor, (2) establishment of a health effects panel to recommend levels of hydrogen sulfide, ammonia, and odor to the Commission that are commonly known to cause a material and verifiable adverse human health effect, (3) adoption of a field study sampling manual, (4) establishment of criteria for the location of monitors to be used in the field study, and (5) defining the location of monitors from which data may be used in determining whether hydrogen sulfide, ammonia, and/or odor are present at levels commonly known to cause material and verifiable adverse health effects. A copy of the full petition is attached.

The Iowa Administrative Code Uniform Rules for Petitions for Rule Making govern the department's actions relating to the petition as follows:

- 1) Within 14 days after the filing of a petition, the agency must submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by petitioner in the petition, the agency must schedule a brief and informal meeting between the petitioner and the agency, a member of the agency, or a member of the staff of the agency, to discuss the petition. The agency may request the petitioner to submit additional information or argument concerning the petition. The agency may also solicit comments from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the agency by any person.
- 2) Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the agency must, in writing, deny the petition, and notify petitioner of its action and the specific grounds for the denial, or grant the petition and notify petitioner that it has instituted rule-making proceedings on the subject of the petition. Petitioner shall be deemed

notified of the denial or grant of the petition on the date when the agency mails or delivers the required notification to petitioner.

- 3) Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the agency's rejection of the petition.

The department will meet with the petitioners in a brief and informal meeting to discuss the petition sometime before December 15, 2003. At the December 15, 2003, Environmental Protection Commission meeting the department plans to make a specific recommendation to the Commission to either grant or deny the petition unless the petitioner agrees to a longer period before action is taken.

Jeff Vonk said that our proposed rule for next month is substantially different than what would be called for by this petition. We would not recommend you to do both things.

INFORMATIONAL ONLY

PROPOSED RULE - AMENDING CHAPTER 20 "SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE," AND TO AMEND CHAPTER 32 "HEALTH EFFECTS VALUE (HEV)"

Jim McGraw, Environmental Program Supervisor presented the following item.

The attached Notice of Intended Action to amend Chapter 20 "Scope of Title-Definitions-Forms-Rules of Practice", and to amend Chapter 32 "Health Effects Value (HEV)" of the Iowa Administrative Code [567] is being presented to the Environmental Protection Commission. Approval to proceed with rulemaking activities will be requested at the December Commission meeting.

Iowa Code section 459.207 provides guidance to the department regarding the development of comprehensive plans and programs to regulate atmospheric emissions from animal feeding operations (AFOs). The department must first complete a field study where concentrations of ammonia, hydrogen sulfide and odors are measured. After completion of the field study, the department may develop comprehensive plans and programs if the baseline data from the field study demonstrates to a reasonable degree of scientific certainty that airborne pollutants emitted by an animal feeding operation are present at a separated location at levels commonly known to cause a material and verifiable adverse health effect.

This rulemaking establishes an animal feeding operations health effects value (HEV) and health effects standard (HES) for hydrogen sulfide. The HEV represents a level commonly known to cause a material and verifiable adverse health effect. The department proposes a level for hydrogen sulfide of 15 parts per billion (ppb) averaged over 1-hour. The HES represents a level to determine if the baseline data from the field study data indicates a need to develop plans and programs to mitigate airborne pollutant emissions from animal feeding operations. The department proposes a level of 15 parts per billion (ppb) averaged over 1-hour, not to be

exceeded more than 7 times in one year. These values are applicable to animal feeding operations only. Both values are based on recommendations found in the Iowa Concentrated Animal Feeding Operations Air Quality Study.

This rulemaking also establishes an Iowa Air Sampling Manual that will be incorporated by reference in Chapter 32 of Iowa Administrative Code [567]. This manual contains monitor siting requirements, data handling procedures, approved monitoring methods and equipment, quality assurance requirements, and requirements for public availability of data required to implement the HEV/HES for hydrogen sulfide. The manual will not be published in the Iowa Administrative Code, but will be available from the department upon request.

A Technical Advisory Group (TAG) consisting of stakeholders and experts in the field of ambient air monitoring was formed to assist with determining monitoring instrumentation and methodology for the confined animal feeding operations (CAFO) comprehensive field study mandated in Iowa Code section 459.207. The group meetings provided attendees a chance to offer recommendations and to suggest alternative methods or approaches to the department. TAG meetings were held on June 11, 2002 and June 25, 2002 at the Air Quality Bureau. There was consensus among the TAG members that the measurement method for hydrogen sulfide proposed by the department, which is the basis for compliance monitoring in other agricultural states, represents the best monitoring method currently available to conduct a field study for these pollutants.

The Environmental Protection Commission has statutory authority to establish a health effects value on the basis of providing air quality protection necessary to safeguard the public health and welfare pursuant to Iowa Code section 455B.133.

An informational meeting is scheduled for December 12, 2003, from 1 p.m. to 3 p.m. at the Air Quality Bureau. Public hearings on the standards will be held in Spencer, Urbandale, Atlantic, Mason City, and Davenport if approval to proceed with this rulemaking is granted. Specific locations, dates and times for the public hearings are provided in the proposed rule.

An administrative rule fiscal impact statement is attached.

Jim McGraw said that they have chosen to accept the broader definition of a separated location which means that any public use area, a residence, a commercial enterprise, a religious or education institution, regardless of the distance to the animal feeding operation, can be considered to be a separated location. The narrow interpretation is problematic to implement. For example, if a residence is built within the applicable separation distance of a feeding operation it is not a separated location. If a feeding operation moves within the applicable separation distances to a residence, church, etc., it would then become a separated location.

Darrell Hanson raised his concern about new homebuilders coming in and building within the distance of the feeding operation.

Catharine Fitzsimmons said that the separation distances were established without specific health issues in mind. The legislature asked us to look at specific health where people live and

determine whether there may be problems. We are doing that now. From our data so far, even at separated distances, there may need to be some concern. Many of the hazardous air pollution standards that we adopt have a component that says existing sources must bring their operations up to a certain standard. We are also pursuing an odor study

Darrell Hanson said that he thinks a justification is needed for the change from 30 ppb to 15 ppb. Before we get to a final decision, I think it would be useful if we go with 15 ppb, that it should be explored and explained. I would like to know more specifics on what they meant.

Jim McGraw said that the university also recommended separated standards for fence line and separated locations. We're not doing that in this proposal. We're complying with the mandates in 459.207. We're proposing that the HEV/HES will only apply at the separated locations based on what was in the legislation. We've also included the enforcement provision in 459.207. This proposal is also consistent with the National Academy of Sciences Report.

(A fact sheet for Hydrogen Sulfide Health Effects Standards and a press release was given out to the Commissioner's. A copy can be found in the Department's Record Center.)

INFORMATIONAL ONLY

FINAL RULE - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING EXEMPTION FOR SMALL UNITS)

Jim McGraw, Supervisor of the Program Development Section in the Air Quality Bureau presented the following item.

The Commission will be asked to approve an amendment to Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code. The purpose of this rulemaking is to add a new paragraph 22.1(2) "w" for emission units that can be classified as small units.

This rulemaking is the result of negotiations that were began in December 2002 between the Association of Business and Industry (ABI), the department, and the U.S. EPA and addresses many of ABI's concerns regarding permitting requirements for small indoor venting sources. Both the department and ABI are interested in reducing the regulatory burden on industry where the actual emissions of air contaminant sources are likely to have little or no environmental or human health consequences.

Paragraph 22.1(2)"w" adds a significant new exemption for "small units." Small units are defined as emission units and associated control equipment (if applicable) that emit less than 40 pounds per year of lead and lead compounds expressed as lead, 5 tons per year of sulfur dioxide, 5 tons per year of nitrogen oxides, 5 tons per year of volatile organic compounds, 5 tons per year of carbon monoxide, 5 tons per year of particulate matter, 2.5 tons per year of PM10, and 5 tons per year of hazardous air pollutants (as defined in rule 22.100). This exemption applies to both existing and new or modified small units.

An owner or operator that utilizes the small unit exemption must maintain on-site an "exemption justification document". The exemption justification document must document conformance and

compliance to the emission rate limits contained in the definition of “small unit” for the particular emission unit or group of similar emission units obtaining the exemption. The controls described in the exemption justification document establish a limit on the potential emissions. This is useful for facilities that are seeking to obtain federally enforceable emission or operating limits, or establish federal recognition of the operation of control equipment to avoid permitting requirements of other air regulatory programs such as PSD and Title V Operating Permits.

The last portion of this new exemption addresses concerns that the operation of many of these small units may together lead to negative environmental impacts. A subcategory, “substantial small unit” is defined as those units that emit seventy-five percent of the small unit thresholds. The owner or operator of the facility must notify the department within 90 days of the end of the first calendar year that the aggregate emissions from substantial small units at the facility exceed any of the “cumulative notice thresholds” defined in the exemption. Once a cumulative notice threshold is exceeded, the owner or operator must apply for air construction permits for all substantial small units for which the cumulative notice threshold for the pollutant(s) in question has been exceeded.

A public hearing was held on October 7, 2003. No comments were received at the public hearing or during the public comment period, which closed on October 17, 2003.

An Administrative Rule Fiscal Impact Statement is attached. There will be net positive fiscal impact from this rulemaking.

Catharine Fitzsimmons said that the Association of Business and Industry was concerned that we were requiring permits for what they call indoor sources. Air pollution sources of concern included handsaws and other smaller operations that aren’t vented out of the building. We have worked over two years with the Association of Business and Industry and EPA to come up with this rule. The substantial small source provision of the exemption is intended to prevent emissions from several small units from interacting to cause impacts that could exceed the applicable air quality standards.. Our small business assistance program will not be recommending that small businesses should use this exemption.

Motion was made by Darrell Hanson to approve the Final Rule – Chapter 22 Controlling Air Pollution. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS (COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS THAT COMMENCED CONSTRUCTION ON OR BEFORE NOVEMBER 30, 1999)

Jim McGraw, Environmental Program Supervisor in the Air Quality Bureau presented the following item.

The Commission will be asked to approve an amendment to Chapter 23, “Emission Standards for Contaminants” 567 Iowa Administrative Code. The purpose of this rulemaking is to adopt by reference Subpart III of 40 CFR Part 62. Subpart III establishes emission requirements and compliance schedules for the control of emissions from commercial and industrial solid waste incineration (CISWI) units that

commenced construction on or before November 30, 1999 and are not covered under an approved state plan.

On December 1, 2000, the EPA adopted in 40 CFR Part 60, Subpart DDDD, emission guidelines and compliance schedules for existing CISWI units. The Monsanto Company facility in Muscatine, Iowa is an affected facility that operates a CISWI unit that is subject to the emission guidelines. The emission guidelines and associated compliance schedules were intended to be implemented and enforced through a state plan submitted to and approved by the EPA.

On November 25, 2002, EPA proposed a federal plan to implement and enforce the emission guidelines and compliance schedules for CISWI units located in states with no approved state plan. Iowa does not have an approved state plan. The federal plan was promulgated on October 3, 2003 as Subpart III of 40 CFR Part 62.

This adoption by reference of Subpart III will incorporate by reference the federal plan, making it the state plan. Subpart III contains eleven major components that address the regulatory requirements applicable to CISWI units. These components include increments of progress toward compliance, waste management plans, operator training and qualification, emission limitations and operating limits, performance testing, initial compliance requirements, continuous compliance requirements, monitoring, record keeping and reporting, definitions, and associated tables.

If this agenda item is approved by the Environmental Protection Commission, a public hearing on the proposed rules will be held on January 16, 2004 at 1:00 p.m. at the Musser Public Library in Muscatine, Iowa.

An administrative rule fiscal impact statement is attached. Estimates of the impact to Monsanto due to this rule adoption are based on information provided by Monsanto.

Motion was made by Jerry Peckumn to approve the NOIA – Chapter 23 as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS (OPEN BURNING RULE REVISIONS INCLUDING CONTROLLED BURNING OF A DEMOLISHED BUILDING.)

Jim McGraw, Supervisor in the Air Quality Bureau presented the following item.

The Commission will be asked to approve an amendment to Chapter 23, "Emission Standards for Contaminants" 567 Iowa Administrative Code. The purpose of this rulemaking is to implement 455B.133(10) of the Iowa Code that was passed as Senate File 2325 of the 79th General Assembly and signed into law. The legislation provided an additional exemption under which cities may conduct controlled burning of a demolished building and required the department to adopt rules to implement this legislation. This rulemaking specifies the conditions that must be met in order for a city to use the "new" exemption for controlled burning of a demolished building.

In addition, this rulemaking will also make the following changes to the state's open burning regulations:

- ◆ Adds emphasis that, when requesting a waiver from the open burning, additional information may be requested by the department to ensure that the national ambient air quality standards are met.
- ◆ Provides clarification that the burning of disaster rubbish under 23.2(3)"a" must be conducted in accordance with the requirements in the federal asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP).
- ◆ Makes a distinction between training fires and a controlled burn of a demolished building.
- ◆ Adds a definition for "training fire."
- ◆ Adds a definition for "bona fide training."
- ◆ Provides clarification that the burning of agricultural structures under 23.2(3)"i", must be conducted in accordance the federal asbestos NESHAP regulations.

A public hearing was held on August 7, 2003. No comments were received at the public hearing. Written comments were received from the U.S. EPA during the public comment period. The submitted comments and the department's response to the comments are summarized in the attached responsiveness summary. This amendment has not been modified from that published under the Notice of Intended Action as a result of the comments.

An administrative rule fiscal impact statement is attached. This rulemaking will result in a net cost benefit to the regulated public.

Motion was made by Darrell Hanson to approve the Final Rule – Chapter 23 as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

APPEAL OF CONTESTED CASE DECISION – PIPER MOTOR COMPANY, INC AND BRUCE PIPER – TABLED

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

On April 17, 2002, the department issued Administrative Order No. 2002-WW-18 to the above parties. The Order required the parties to comply with wastewater monitoring requirements, to connect to the City sewer system, and to pay a penalty of \$10,000. The Order also included a Notice of Intent to Deny permit renewal. The Order and Notice were appealed, and the matters proceeded to administrative hearing on June 10, 2003. The Administrative Law Judge issued the attached Proposed Decision on July 2, 2003. The decision affirms the Order and Notice.

Mr. Piper has appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Motion was made by Darrell Hanson to untable Contested Case - Piper Motor Company from the October 20th EPC meeting. Seconded by Terry Townsend. Motion carried unanimously.

UNTABLED

Mike Murphy recommended that the Commission table this item.

Motion was made by Darrell Hanson to table the Appeal of Contested Case – Piper Motor Company. Seconded by Terry Townsend. Motion carried unanimously.

TABLED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
November 1, 2003**

Proposal	Notice to Commission	Notice Published	Arc #	Review Committee	Comment Hearing Period	Summary to Commission	Rules Adopted	Rules Published	Final Review	Att #	Rule Committee	Effective
1. Ch. 20, 22 – Controlling Pollution (Definitions)	11/17/03	*12/10/03		*1/06/04	*1/16/04	*1/16/04	*2/16/04	*2/16/04	*3/17/04		*4/06/04	*4/21/04
2. Ch. 22 – Air Construction Permitting Exemption for Small Units	8/18/03	9/17/03	2775 B	10/13/03	10/07/03	10/17/03	11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
3. Ch. 23 – Emission Standards for Contaminants – Open Burning	6/16/03	7/09/03	2597 B	8/05/03	8/07/03	8/13/03	11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
4. Ch. 23 – Emission Standards for Contaminants	11/17/03	*12/10/03		1/06/04	*1/16/04	*1/16/04	*2/16/04	*2/16/04	*3/17/04		*4/06/04	*4/21/04

– Waste Incineration												
5. Ch. 40, 41, 42, 43, 44, 81 and 83 – Drinking Water Operator Certification and Lab Certification Programs	8/18/03	9/17/03	2779 B	10/13/03	10/7,8,10,13-15/03	10/17/03	*12/15/03	*12/15/03	*1/07/04		*2/03/04	*2/11/04
6. Ch. 60, 62, 63 – Wastewater Pretreatment Standards							9/15/03	9/15/03	10/15/03	2864 B	11/04/03	11/19/03
7. Ch. 61 – Water Quality Standards	8/18/03	9/17/03	2776 B	10/13/03	10/7,9,10,13,15,17/03	10/31/03	*12/15/03	*12/15/03	*1/07/04		*2/03/04	*2/11/04
8. Ch. 64, 69 – Renewal of General Permit	5/19/03	6/11/03	2526 B	7/08/03	7/01-10/03	7/11/03	11/17/03	*11/17/03	*12/10/03		*1/05/04	*1/14/04
9. Ch. 65 – Animal Feeding Operations-Construction Standards	7/21/03	8/20/03	2716 B	9/10/03	9/11/03	9/11/03	*12/15/03	*12/15/03	*1/07/03		*2/03/04	*2/11/04
10. Ch. 90, 91, 92 and 93 – Water Pollution Control – Updates, Revisions and Additions	6/16/03	7/09/03	2595 B	8/13/03	7/30, 31/03 8/04/03	8/04/03	9/15/03	9/15/03	10/15/03	2595 B	11/10/03	11/19/03
11. Ch. 111 – Financial Assurance Requirements for SWLFs	9/15/03	10/15/03	2863 B	11/10/03	11/05/03	11/05/03	*12/15/03	*12/15/03	*1/07/04		*2/03/04	*2/11/04
12. Ch. 117 – Waste Tire Management	7/21/03	8/20/03	2717 B	9/10/03	9/10/03	9/10/02	10/20/03	10/20/03	11/12/03		*12/02/03	*12/17/03

Monthly Variance Report						
November 2003						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Ag Bio-Power, LC-Toledo	Air Quality		Permit Requirements	Denied	10/03/03
2	AG Processing-Sergeant Bluff	Air Quality		Permit Requirements	Apporved	10/22/03
3	Muscatine Power and Water-Muscatine	Air Quality		Permit Requirements	Approved	10/17/03
4	Natural Gas Pipeline Co. of America-Emerson	Air Quality		Permit Requirements	Denied	10/09/03
5	Cedar Rapids, City of	Wastewater Construction	Engineering Department-City of Cedar Rapids	Directional Boring, Sewer Slope	Approved	10/22/03

6	Clear Lake Sanitary District	Wastewater Construction	WHKS & Co.	Sewer Grade	Approved	10/23/03
7	Council Bluffs, City of	Wastewater Construction	Fox Engineering	Bar Racks and Screens	Approved	10/09/03
8	Martinsburg, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Directional Boring, Sewer Slope	Approved	10/06/03
9	Martinsburg, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Valve Pit	Denied	10/06/03
10	Martinsburg, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Number of Lagoon Cells	Approved	10/06/03
11	Martinsburg, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Inter-Cell Control Structures	Approved	10/06/03
12	Martinsburg, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Pond Influent Piping	Approved	10/06/03
13	Martinsburg, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Influent Line Termination	Approved	10/06/03
14	Martinsburg, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Pond Level Gauges	Approved	10/06/03
15	Pisgah, City of	Wastewater Construction	Olmsted & Perry Consulting Engineers, Inc.	Sewer Grade	Approved	10/08/03
16	Pisgah, City of	Wastewater Construction	Olmsted & Perry Consulting Engineers, Inc.	Sewer Grade,W/O Cover	Approved	10/08/03
17	Spencer, City of	Wastewater Construction	Kruse, Cate, & Nelson	Sewer Grade	Approved	10/21/03
18	Webster, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Directional Boring, Sewer Slope	Approved	10/06/03
19	Webster, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Valve Pit	Denied	10/06/03
20	Webster, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Number of Lagoon Cells	Approved	10/06/03
21	Webster, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Inter-Cell Control Structures	Approved	10/06/03
22	Webster, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Pond Influent Piping	Approved	10/06/03
23	Webster, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Influent Line Termination	Approved	10/06/03
24	Webster, City of-(Regional Utility Service Systems)	Wastewater Construction	French-Reneker Associates, Inc.	Pond Level Gauges	Approved	10/06/03
25	Southpoint Wetland Mitigation Dam-Chichaqua Bottoms-Polk County	Flood Plain	Natural Resources Conservation Service	Storm/Storage Capacity	Approved	10/20/03
26	What Cheer, City of-Coal Creek-(East Washington Street)	Flood Plain	Calhoun-Burns and Associates, Inc.	Freeboard	Approved	10/27/03
27	Southpark Mobile Home Park-Hardin County	Wastewater Operation		Monitoring Frequency	Approved	10/22/03
28	Bremer County Sanitary Landfill	Solid Waste	Midwest Environmental Consulting	Groundwater Monitoring	Approved	10/30/03
29	Fremont County Sanitary Landfill	Solid Waste	Barker Lemar Engineering Consultants	Closure	Approved	10/20/03
30	Lehigh Portland Cement Company CKD Landfill-Lehigh	Solid Waste	Lehigh Potrland Cement Company	Certified Operator	Approved	10/24/03
31	Brewskies Bar & Grill-Decorah	Watersupply Construction	Erdman Engineering	Construction Materials	Approved	10/17/03
32	Brewskies Bar & Grill-Decorah	Watersupply Construction	Erdman Engineering	Siting Criteria	Approved	10/24/03
33	Hurstville Interpretive Center-Jackson County	Watersupply Construction	IIW Engineers and Surveyors	Construction Materials	Approved	10/01/03

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period October 1, 2003, through October 31, 2003, 65 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	65 (55)	11 (4)	39 (40)	15 (11)	20 (18)	36 (32)	1 (1)	1 (2)	3 (0)	4 (2)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	65 (55)	11 (4)	39 (40)	15 (11)	20 (18)	36 (32)	1 (1)	1 (2)	3 (0)	4 (2)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
7	18	14	5	12	9

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period October 1, 2003, through October 31, 2003, 8 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	8 (10)	0 (0)	3 (5)	3 (1)	2 (4)	8 (9)	0 (1)	0 (0)	0 (0)	0 (1)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	8 (10)	0 (0)	3 (5)	3 (1)	0 (0)	8 (9)	0 (1)	0 (0)	0 (0)	0 (1)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
2	1	3	1	0	1

DATE: November 1, 2003

TO: EPC

FROM: Mike Murphy

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Rockford Construction, Ames (5)	Air Quality	Asbestos	Order/Penalty \$1,000	9/25/03
Con-Struct, Inc., Ames (5)	Air Quality	Asbestos	Order/Penalty \$1,000	9/25/03
K and E Limited Partnership; Family Video Movie Club,	Air Quality	Asbestos	Order/Penalty \$1,000	9/25/03

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Inc., dba Family Video and dba K & E Limited Partnership, Ames (5)				
Robert L. Nelson, Orient (4)	Underground Tank	UST Closure	Order/Penalty \$2,450	10/09/03
Tom Wageman Farm, Shelby Co. (4)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	10/09/03
KMB Diversified Services, Inc., Rock Rapids (3)	Air Quality	Asbestos	Order/Penalty \$3,000	10/09/03
Metzeler Automotive Profile Systems, Keokuk (6)	Air Quality	Construction Without Permit	Consent Order \$10,000	10/09/03
Krause Gentle Corporation dba Kum & Go, West Des Moines (5)	Air Quality	Asbestos	Order/Penalty \$2,000	10/09/03
Tim Schrock; Devon Schrock, Washington Co. (6)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release	Consent Amendment	10/09/03
John and Laura Kramer; Johnny B Good's, Dyersville (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Referred to AG	10/20/03
Pat Snoody; Honey Creek Campground, Crescent (4)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Referred to AG	10/20/03
Brett Bachman; Bachman Pork, Sac Co. (3)	Animal Feeding Operation	Failure to Update Plan	Referred to AG	10/20/03
Roger Ginger dba I. & L. Standard, Everly (3)	Underground Storage Tank	UST Closure	Order/Penalty \$5,750	10/21/03
Pat Kelly dba Kelly Construction, Denison (4)	Underground Storage Tank	UST Closure	Order/Penalty \$1,860	10/21/03
James L. Heal dba A-1 Domestics and A-1 Imports, Iowa Co. (6)	Wastewater Solid Waste	Stormwater – Operation Without Permit; Illegal Disposal	Order/Penalty \$1,800	10/21/03
Clinton County Area Solid Waste Agency (6)	Solid Waste	Cover Violations; Other Violations	Consent Amendment	10/22/03
Rittmer, Inc. Clinton Co. (6)	Solid Waste Air Quality	Cover Violations; Open Burning	Consent Amendment	10/22/03
W & H Cooperative Oil Co., Ron Ely, Humboldt Co. (2)	Hazardous Condition	Failure to Notify	Order/Penalty \$1,250	10/24/03
Harlan Clasen, Rock Rapids (3)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$10,000	10/24/03
Rural Iowa Solid Waste Management Assoc., Hardin Co. (2)	Solid Waste	Cover Violations; Other Violations	Consent Amendment	10/24/03
William Day, Homestead (6)	Wastewater Solid Waste	Stormwater – Operation Without Permit; Illegal Disposal	Order/Penalty \$2,000	10/28/03
Midwest Farmers Cooperative, Sheldon (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; Uncertified Operator	Order/Penalty \$2,000	10/28/03
Performance Feeders, Inc. O'Brien Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release	Order/Penalty \$1,500	10/28/03
Jeff Holland, Winnebago Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard; Failure to Report a Release; Illegal Disposal	Order/Penalty \$5,500	10/31/03
Twin Lakes Sanitary Sewer District, Calhoun Co. (3)	Wastewater	Monitoring/Reporting; Prohibited Discharge	Order/Penalty \$5,000	10/31/03
North Iowa Wood Products, Belmond (2)	Air Quality Solid Waste	Open Burning; Construction Without Permit; Illegal Disposal	Order/Penalty \$4,000	10/31/03
Russell and Kay Barkema; K.R. Construction, Inc., Wright Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$7,000	10/31/03

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: November 1, 2003
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
Monsanto Company (Aplington)	AQ	3,000	2-14-02
* Moonshine Tap (New Hampton)	WS	200	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Lidderdale, City of	WS	500	3-04-03
Nevada, City of SEP	WW	3,000	3-14-03
Lidderdale, City of	WW	10,000	4-08-03
Bernard H. Cohrs; Cohrs Construction Co. (Dickinson Co.)	AQ/SW	7,000	4-09-03

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John and Bernice Danner (Lucas Co.)	WW	2,000	4-28-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
# James Masching (Carroll Co.)	AFO/WW	5,000	6-25-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
# James Boller (Kalona)	AFO	5,000	7-11-03
Pita Corporation; Larry Swanson (Grinnell)	UT	750	7-13-03
* Paul L. Nagle (Clear Lake)	AQ	100	7-15-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
# Tom Schramm (Sac Co.)	AFO	500	9-24-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
*#Robert Fisher (Hamilton Co.)	AFO	300	11-01-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	700	10-01-03
Lewis Hartgers (Jasper Co.)	AQ/SW/WW	3,000	11-04-03
# K L & L; Charles Kollasch; Luke Kollasch (Palo Alto Co.)	AFO	750	11-04-03
# Holstein Dairy, LLP (Ida Co.)	AFO	750	11-07-03
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,500	11-15-03
# Van Middendorp Dairy (Sioux Co.)	AFO	2,500	11-19-03
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000	11-25-03
K & E Limited Partnership (Ames)	AQ	1,000	12-10-03
Con-Struct, Incorporated (Ames)	AQ	1,000	12-14-03
Rockford Construction (Ames)	AQ	1,000	12-15-03
KMB Diversified Services, Inc. (Rock Rapids)	AQ	3,000	12-15-03
Krause Gentle Corp. d/b/a Kum & Go (West Des Moines)	AQ	2,000	12-15-03
Metzeler Automotive Profile Systems (Keokuk)	AQ	10,000	12-15-03
* Quality Mat Co., Inc. (Waterloo)	AQ	2,863	12-15-03
# Tom Wageman Farm (Shelby Co.)	AFO	750	12-17-03
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)SEP	SW	1,000	12-23-03
Independence Mobile Home Park (Independence)	WS	800	-----
Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Well's Dairy, Inc. (LeMars) SEP	WW	5,000	-----
American Shell Co.; James L. Peach (Fairport)	UT	6,200	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
Robert L. Nelson (Orient)	UT	2,450	-----
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	-----
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Harlan Clasen (Rock Rapids)	AQ/SW	10,000	-----
W & H Cooperative Oil Co.; Ron Ely (Humboldt Co.)	HC	1,250	-----
# Midwest Farmers Cooperative (Sheldon)	AFO	2,000	-----
# Performance Feeders, Inc. (O'Brien Co.)	AFO	1,500	-----
William Day (Iowa Co.)	SW/WW	2,000	-----
Russell and Kay Barkema; K.R. Construction (Wright Co.)	AQ/SW	7,000	-----
Twin Lakes Sanitary Sewer District (Calhoun Co.)	WW	5,000	-----
North Iowa Wood Products, Inc. (Belmond)	AQ/SW	4,000	-----
# Jeff Holland (Winnebago Co.)	AFO	5,500	-----
TOTAL		373,758	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95

Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Air Bears II (Thompson)	WS	300	7-13-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
* Bog's Bar (Langworth)	WS	200	6-19-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600	7-14-03
Mitchell Town Pump; Jeremy Mostek (Mitchell)	WS	500	7-09-02
# Kevin Hohbach (Taylor Co.)	AFO	2,000	6-30-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Johnny B Good's (Dyersville)	WS	500	8-01-03
# Brett Bachman (Sac Co.)	AFO	750	8-30-03
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
TOTAL		226,839	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500

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Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
ITWC, Inc. (Brooklyn)	AQ	7,500
Wellington Environmental (Iowa City)	AQ	1,000
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	3,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Waukon Golf and Country Club (Waukon)	UT	2,480
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Caldwell Meats, Inc.; James Caldwell (Marshalltown)	UT	1,990
Walker Brothers Livestock Corp. (Washington)	WW	5,000
# Iowa Select Farms, L.P.; Stockdale Sow Unit (Hardin Co.)	AFO	3,100
Sully Transport; Bice Oil Co.; Tim Bice (Guthrie Co.)	WW/HC	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	3,500
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000

# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Diwan, LLC; Ranbir Thakur (Davenport)	UT	10,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
Langman Construction, Inc. (Bettendorf)	WW	10,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshiek Co.)	AFO	4,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# Larry Noel (Floyd Co.)	AFO	2,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
Frederika's Stein & Dine (Frederika)	WS	2,875
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Richard Bockenstedt (Delaware Co.)	AFO	2,000
Larry Nuehring (Rockwell)	AQ/SW	500
# Denny Holtrip (Cherokee Co.)	AFO	750
Westfair Association, The (Council Bluffs)	WS	1,500
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Joel (Brad) Chambers (Strawberry Point)	WW/WS	1,000
Cedar Rapids, City of	WW	1,000
Bruty Lumber, Inc. (Washington)	AQ/SW	4,000
The Welco Group; David Levin; Kwik Trip (Camanche)	UT	3,500
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
F. J. Krob & Co. (Linn Co.)	WW	2,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	1,000
D & S Swine L.L.C. (Humboldt Co.)	WW	1,000
# River Valley Farms (Mahaska Co.)	AFO	750
Central Counties Cooperative (Kellogg)	AQ	5,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Custom Feeds, Inc. (Muscatine)	AQ	10,000
TOTAL		465,404

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Allison, City of	AQ	1,500
# Burco Farms, Inc. (Buchanan Co.)	AFO	1,500
Koch Pipeline Co. LP (Kossuth Co.) Restitution	HC	450,000

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Midway Water & Lighting Co. (Marion)	WS	1,000
# Swine Graphics; MoCo Pork-Deer Run Farm (Monroe Co.)	AFO	5,000
* Rocky Knoll Mobile Home Park (Forest City) PAID IN FULL	WS	2,000
# Stone-Path IV LLC (Carroll Co.)	AFO	375
# Mahogany Partnership (Carroll Co.)	AFO	375
Sigourney Foods (Sigourney)	WW	7,500
Larry Whitehead (Sidney)	UT	3,000
Dickinson County Memorial Hospital (Spirit Lake)	AQ	1,500
# Dave Hansel (Hamilton Co.)	AFO	1,300
Clinton Co. Area Solid Waste Agency (Clinton Co.)	SW	1,500
Rittmer, Inc. (Clinton Co.)	AQ/SW	7,500
#*Daniel E. Wilson (Prairie City) PAID IN FULL	AFO	500
Southeast Iowa Multi-County SWA (Keokuk Co.)	SW	2,000
Alcoa, Inc. (Bettendorf)	WW	3,500
*#Robert Fisher (Hamilton Co.)	AFO	100
Mt. Joy Mobile Home Park (Davenport)	WS	1,500
TOTAL		491,650

The following penalties were deferred:

# Smokey Farms Finishing (Carroll Co.)	AFO	750
# Black Walnut & English Walnut (Carroll Co.)	AFO	750
Rayburn Court for Mobile Homes (Mason City)	WS	500
Larry Pogue; Independence MHP (Independence)	WS	2,000
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS November 1, 2003

Name, Location & Region #	Program	Alleged Violation	DNR Action	New or Updated Status	Date
ABC Disposal Systems Hiawatha (1)	Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03
Bachman, Brett Bachman Pork, Inc. Sac Co. (3) NEW	Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred	10/20/03
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment State Motion to Compel Order Granting Motion to Compel	2/18/02 8/08/02 1/27/03 4/17/03 8/06/03 8/24/03
Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Waste Violations	Order/Penalty	Referred	5/20/02
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03

Buringrud, Mark d/b/a Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	Referred	9/15/03
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt Contempt Hearing Date	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03 9/15/03
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	7/21/03
Hansel, Dave Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator	Order/Penalty	Referred	2/17/03
Harper, David Harper's Marina; Jolly Roger Campground North Liberty (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty	Referred	8/18/03
Hohbach, Kevin Red Oak (4)	Animal Feeding Operation	Application in Excess of Crop Usage Rate	Order/Penalty	Referred	9/15/03
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed Trial Date	2/18/02 2/03/03 1/27/04
Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	11/18/02
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Reporting-Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred	3/17/03
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
Kramer, John and Laura Johnny B Good's Dyersville (1) NEW	Drinking Water	Monitoring/Reporting, Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	10/20/03
Lehigh Portland Cement Co. Mason City (2) UPDATED	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date Trial Continued Consent Decree (\$150,000/Civil; Order Requiring BACT)	8/17/98 11/05/99 10/29/02 9/08/03
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03
Matrix Metal, LLC d/b/a Keokuk Steel Castings			Referred to		

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Keokuk (6)	Air Quality	Emission Limits	Attorney General	Referred	1/22/02
Meixner, Larry; Air Bears II Thompson (2)	Drinking Water	Monitoring/Reporting – Bacteria; Nitrate	Order/Penalty	Referred	4/21/03
Messerschmidt, Mike Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/21/03
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred	11/18/02
Moore, C. D. d/b/a Iowa Skate U Iowa Falls (2)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred	5/19/03
Mostek, Jeremy Osage (2)	Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order/Penalty	Referred	9/15/03
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03
Paplow, Dave Indianola (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	3/17/03
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Schaffer, Dale Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)	Drinking Water	MCL; Public Notice – Monitoring/Reporting Radioactivity	Order/Penalty	Referred	7/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred	7/21/03
Snoody, Pat Honey Creek Campground Crescent (4) NEW	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	10/20/03

Trafton Environmental, Inc.; Harry Trafton;

Interstate Lounge, Inc. Underwood (4)	Underground Tank	UST Closure			Order/Penalty	Referred	2/17/03
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Pollution Violations	Without Prevention	Permit; Plan	Order/Penalty	Referred	2/17/03
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6)	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection			Referred to Attorney General	Referred	3/17/03
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Action-CDR	Initiate	Corrective	Referred to Attorney General	Referred	10/21/02

Contested Case

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	10/03 – Site closure assessment underway by DNR.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	2/03 – Site assessment underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Hearing set for 12/01/03.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	1/02/03 – Settlement reached pending remedial work and withdrawal of appeal. 9/24/03 – 2nd draft remedial permit sent to attorney for approval.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	4/03 – Settled. Agreement reached. Consent order to be signed.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/02/03 – Vens rejects Dept. settlement offer.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance achieved. Penalty settlement paid as of 10/03/03. Case closed.
12/01/99	Iowa Select Farms, L.P./AG	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Waste Consultants, Inc.					
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	8/15/03 – Plans and specs received for relief sewer. 8/2/03 – Dept. engineer letter sent with comments on plans and specs and compliance schedule approved by Dept. Schedule to be placed in order. 10/13/03 – Dept. construction permit for WWTF improvements with final schedule issued. 10/31/03 – Consent order drafted for staff review.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction completed. Proof of costs submitted. Awaiting full closure of lagoons.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	9/18/03 – Partial penalty payment received without Dept. approval. Further negotiations necessary.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	8/03 – Permit issued; appeal to be dismissed.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	8/03 – Permit issued; amended AO will settle appeal.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – approved high risk. Negotiate penalty

						and further corrective action.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	9/30/03 – Settled. Penalty received 10/9/03. Case closed.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 7/23/03 – FO5 confirmed new company began operating plant. Dept. to issue order canceling penalty. 10/31/03 – Amended order to be signed by Director.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 – District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by facility engineer. 4/03 – Revised consent order drafted.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement. On hold until companion case resolved. 10/03 – Letter to City attorney regarding appeal resolution.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	10/30/03 – Erosion controls installed. DNR settlement demand.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Hearing continued. Settlement discussions with one party.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03. 6/03 – City requested continuance to do stream study regarding TKN and NH3N in stream. ALJ granted continuance. 7/25/03 – Dept. staff reviewing City's stream study sampling plan. 8/7/03 – Dept. memo to City engineering concerning City's TKN and NH3N sampling plan for stream study.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	\$3,500 penalty settlement paid in full 7/1/03. Case closed.
4/11/02	William Habbab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	ALJ decision 7/3/03. Appeal to EPC 8/1/03. EPC tabled to 11/17/03. Settlement possible.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	6/30/03 – Compliance status report requested from WS section. 7/29/03 – Report received from WS section. 10/03 – Dept. letter to Jones CCB regarding appeal.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Compliance initiated.
5/09/02	Arthur, City of	3	Order/Penalty	WW	Hansen	7/31/03 – Dept. letter regarding resolution of appeal. 8/29/03 – Further information requested from FO. 9/03 – Discussion with City regarding possible SEP project. 10/28/03 – SEP proposal received from City for resolving appeal.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6 classes moved to August, 2004, due to planning and financial difficulties.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Attorney left client. Start negotiating process over with Carlson.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 – Richard Caves' bankruptcy pending. Negotiating resolution.

7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Partial compliance achieved. Agreement to complete.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/WW	Tack	9/26/02 – Amended order issued.
7/15/02	Grinnell Properties, Inc.; David Hamilton	5	Order/Penalty	UT	Wornson	Partial settlement proposed. Hearing postponed indefinitely. Tier 2 submitted 3/3/03; no action required except free product reports. 8/5/03 – Settlement offer.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 8/03 –Letter to City attorney regarding resolving appeal. 10/30/03 – Letter to City attorney regarding revised report.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	9/23/03 – DNR letter requesting update.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	9/3/03 – Settlement discussion; Siemens will make offer after consulting with legislators.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Received delinquent tank fees. Negotiating penalty conditioned upon initiation of Tiered assessment.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	8/29/03 – Left message with Dahlhauser's attorney to return call regarding potential settlement.
9/03/02	Peter Cook	6	Order/Penalty	AQ/SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/SW	Tack	Clean-up underway. Expected to be completed by mid September, 2003. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
10/21/02	Caldwell Meats, Inc.; James Caldwell	5	Order/Penalty	UT	Wornson	Compliance initiated. Settlement achieved.
10/24/02	Harold L. Foster; Carolyn Foster; Glolin, Inc.	4	Order	UT	Wornson	Fosters appealed. Glolin, Inc. and Webers did not. Tank closure completed. Fosters have complied by payment of \$195 tank fees. Glolin and Weber have not paid fees. Case closed.
11/04/02	Walker Bros. Livestock Corp.	6	Order/Penalty	WW	Murphy	8/28/03 – Settlement offer.
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	Order/Penalty	WW/HC	Wornson	Tier 1 completed. Negotiating penalty.
11/13/02	Iowa Select Farms, L.P., Stockdale Sow Unit	2	Order/Penalty	AFO	Murphy	7/2/03 – ALJ decision. 10/20/03 – EPC affirms with one modification. Case closed.
11/18/02	Randy Lewis & Lewis Contracting Co.	4	Order/Penalty	WW	Murphy	8/29/03 – Settlement offer.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer.
1/13/03	Langman Construction; Charles Langman	5	Order/Penalty	WW	Murphy	10/30/03 – Settled. Documents to be drafted.
1/14/03	Monsanto	2	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1/24/03	Kuntz Farms, Inc.	6	Order/Penalty	AFO	Clark	Negotiating before filing.
1/27/03	Larry Whitehead	4	Order/Penalty	UT	Wornson	Compliance completed except for penalty. 10/10/03 - Penalty settlement received. Case closed.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	3/18/03 – Settlement offer sent.
1/31/03	DIWAN, L.L.C.	6	Order/Penalty	UT	Wornson	Hearing scheduled for 12/11/03. Settlement proposed.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Book	Negotiating before filing.
2/14/03	United Suppliers, Inc.	5	Permit Conditions	WW	Hansen	3/03 – Appeal reviewed by WW permits section. 10/31/03 – Dept. letter to Company attorney regarding meeting to discuss appeal.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	Order/Penalty	AFO	Clark	Negotiating before filing.
3/26/03	Dan Wilson	5	Order/Penalty	AFO	Clark	10/20/03 – Final installment received. Case closed.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	Order/Penalty	AFO	Murphy	Negotiating before filing.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Murphy	Negotiating before filing.
4/14/03	Tim Schrock; Devon Schrock	6	Order/Penalty	AFO	Book	Settled. Consent amendment signed. Penalty paid. Case closed.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.

5/07/03	Frederika's Stein & Dine	1	Order/Penalty	WS	Hansen	Hearing continued to 11/17/03. Informal meeting 10/2/03 to discuss settlement. 10/10/03 – Inspection of well by Black Hawk Co. inspector and a well company. 10/14/03 – Revised permit issued to WS by FOI. 10/30/03 – Letter to WS attorney regarding hearing.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Murphy	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03.
5/15/03	Larry E. Noel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/21/03	Natural Pork Production II (03-AFO-26)	4	Order/Penalty	AFO	Murphy	Working on stipulation to be filed with ALJ.
5/27/03	Casey's General Store #2472	6	Order/Penalty	WS	Murphy	9/1/03 – As-builts under review.
5/27/03	Rural Iowa Waste Mgmt. Assoc.	2	Order/Penalty	SW	Tack	Settled by consent order. Consent order issued. Case closed.
5/28/03	Denny Geer	4	Order/Penalty	SW	Tack	Clean-up progressing well. Penalty to be negotiated after cleanup is completed.
5/30/03	Gingerich Well & Pumping Service, LLC	6	Order/Penalty	WS	Wornson	Informal settlement meeting.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Negotiating before filing.
7/09/03	Country Terrace MHP	5	Order/Penalty	WW	Hansen	7/10/03 – Dept. letter to owner. 8/12/03 – Facility owner letter received regarding appeal.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/SW	Tack	Site visit and settlement negotiation set for 11/12/03.
7/16/03	Richard Bockenstedt	1	Order/Penalty	AFO	Murphy	Set for hearing 11/25/03.
7/17/03	Larry Nuehring	3	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/23/03	Denny Holtrip	3	Order/Penalty	AFO	Clark	9/24/03 – Settlement offer; awaiting FO input.
7/25/03	Bruty Lumber, Inc.	6	Order/Penalty	AQ/SW	Book	Settled. Consent amendment to be issued.
7/28/03	Westfair Association, The	4	Order/Penalty	WS	Hansen	Hearing continued to 12/12/03 in order to allow settlement discussion. 10/28/03 – Letter to attorney regarding hearing and submittal of as-builts for water storage units.
7/28/03	Poverty Acres Feedlot Inc.	3	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/13/03	Stone Path IV, LLC	4	Order/Penalty	AFO	Clark	10/13/03 – Penalty received. Case closed.
8/15/03	Smokey Farms Finishing	4	Order/Penalty	AFO	Clark	10/21/03 – Order rescinded. Case closed.
8/16/03	Cedar Rapids, City of	1	Order/Penalty	WW	Murphy	9/24/03 – Settlement offer.
8/19/03	Black Walnut, Inc.; English Walnut, Inc.	4	Order/Penalty	AFO	Clark	10/21/03 – Order rescinded. Case closed.
8/19/03	SEMCO	6	Order/Penalty	SW	Tack	Settled. 10/21/03 – Penalty received. Case closed.
8/19/03	Harlan, City of	4	Order	WW	Hansen	10/15/03 – Plans and specs received from City engineer.
8/19/03	Mahogany Partnership	4	Order/Penalty	AFO	Clark	10/13/03 – Penalty received. Case closed.
8/21/03	Joel (Brad) Chambers	1	Order/Penalty	WS/WW	Murphy	Set for hearing 11/27/03.
8/22/03	Clinton Co. Area SWA	6	Order/Penalty	SW	Tack	10/20/03 – Signed consent order and penalty payment received. Case closed.
8/22/03	Rittmer, Inc.	6	Order/Penalty	AQ/SW	Tack	10/10/03 – Penalty payment received. Case closed.
8/28/03	Whiting, City of	4	Order	WW	Hansen	10/03 – Amended order to Director for signature.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	Negotiating before filing.
8/29/03	The Welco Group; David Levin; Kwik Trip	6	Order/Penalty	UT	Wornson	Negotiating before filing.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Negotiating before filing.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Negotiating before filing.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Murphy	Negotiating before filing.
9/08/03	Central Counties Cooperative	5	Order/Penalty	AQ	Book	Negotiating before filing.
9/24/03	F. J. Krob & Co.	1	Order/Penalty	WW	Murphy	Settlement offer 10/16/03.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
10/06/03	Custom Feeds, Inc.	6	Order/Penalty	AQ	Book	New case. Settled. Consent amendment to be issued.
10/06/03	Dennis Bandstra d/b/a Big Dutch	3	Order/Penalty	AQ	Book	New case.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	New case.
10/08/03	D & S Swine, LLC	2	Order/Penalty	AFO	Murphy	New case.
10/17/03	River Valley Farms	5	Order/Penalty	AFO	Clark	New case.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	New case.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	New case.

Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes

During the period October 1, 2003 through October 31, 2003, 8 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '03	8(5)	0.182	0.010	3	1(0)
November '02	3(4)	1	0.00833	2	0(0)
December '02	4(3)	1	.06875	0	0(0)
January '03	3(4)	2	.8625	0	0(0)
February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.019	4	0(0)
June '03	6(3)	0.290	0.019	3	0(0)
July '03	5(6)	0.496	0.580	2	0(0)
August '03	2(9)	0.354	0.054	0	0(0)
September '03	4(5)	0.177	0.006	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	0	1	0	3	1

INFORMATIONAL ONLY

GENERAL DISCUSSION

Wayne Gieselman listed some of the next month's possible items:

- Clean Drinking Water Standards
- Concrete Standards for Livestock facilities
- P-Index - Implementing the Phosphorous standards
- Proposal for electronics recycling (old computers, printers, etc)
- Appeal for a hog facility
- Water Quality Standards coming in February.

Gene Tinker mentioned that the public is concerned that we are not pursuing any new violations in dealing with the Lawrence Handlos case. The violations are forwarded to the Attorney General's office, but the Department is not taking any action in issuing violations.

When Alison Manz decided that Lawrence Handlos manure pit was not five inches throughout, we proposed to Mr. Handlos an option of hiring a professional engineer to come and do his own investigation and get a report back to us on his opinion. He hired Dwayne Bundy as a professional engineer who came and did his own study and issued a report that indicated the

repairs he felt were necessary within the pit and based upon those repairs being made to his satisfaction. Mr. Bundy told us that the pit as constructed would not be an environmental concern. Based upon his report, we have elected to accept the report and allowing the Handlos to complete construction on the building. The repairs have been made. Mr. Bundy will visit the site to make sure that everything was completed correctly.

Wayne Gieselman clarified that he does not need a construction permit but a manure management plan for this specific site that we are talking about. He just needs to file one. A construction permit can not be issued without an approved manure management plan.

Mike Murphy said that the law says they must submit a manure management plan 30 days before they construct.

The Joint training session for the Natural Resources Commission and the Environmental Protection Commission will be held on December 2nd from 8:00 – 4:30 at the Neal Smith Wildlife Refuge Center.

NEXT MEETING DATES

December 15, 2003

January 20, 2004

February 16, 2004

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 2:50 p.m., Monday, October 20, 2003.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Lisa Davis Cook, Secretary

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